

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LION FISHERIES LLC.,

Plaintiff,

v.

A1 TRANSMISSION & MARINE, INC, *et al.*,

Defendant.

CASE NO. C23-0984-JCC

ORDER

This matter comes before the Court on Defendant A1 Transmission & Marine, Inc.’s motion for attorneys’ fees pursuant to RCW 4.28.185(5). (Dkt. No. 21.) Having thoroughly considered the parties’ briefing and the relevant record, the Court finds oral argument unnecessary and DENIES the motion for the reasons explained herein.

Plaintiff brought a negligent and breach of contract action against two out-of-state Defendants. (Dkt. No. 1.) This Court dismissed the claims for want of personal jurisdiction. (Dkt. No. 19.) Now, Defendant moves for attorney fees under the long-arm statute. (Dkt. No. 21.)

A court is *authorized* to “award reasonable attorney fees to a foreign defendant who prevails in an action on the basis that the court lacked personal jurisdiction under the long-arm statute.” *CTVC v. Shinawatra*, 919 P.2d 1243, 1255 (Wash. Ct. App. 1996). However, “[w]hether to grant or deny a request for attorney’s fees under this provision is wholly within the discretion of the trial court.” *Amazon.com, Inc. v. Kalaydjian*, 2001 WL 1892190, *1 (W. D.

1 Wash. 2001). One of the purposes of the fee-shifting provision is to deter plaintiffs from
2 harassing foreign defendants. *Scott Fetzer Co. v. Weeks*, 786 P.2d 265, 272 n.6 (Wash. 1990).

3 The purpose for which fee-shifting is often utilized is not present in the instant case. Nor
4 does RCW 4.28.185(5) *require* fee shifting as Defendant suggests. (Dkt. No. 24.) Ultimately, the
5 Court finds it unnecessary to exercise its discretion to grant attorneys' fees in this matter.

6 For the foregoing reasons, Defendant's motion for attorneys' fees (Dkt. No. 21) is
7 DENIED.

8 DATED this 27th day of November 2023.

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12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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